

# Senate File 2377 - Enrolled

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SENATE FILE 2377

## AN ACT

RELATING TO ANIMAL FEEDING OPERATIONS, BY PROVIDING FOR  
STANDARDS AND EVALUATIONS BY THE DEPARTMENT OF NATURAL  
RESOURCES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 459.303, subsection 1, unnumbered  
paragraph 1, Code 2005, is amended to read as follows:

The department shall approve or disapprove applications for  
permits for the construction, including the expansion, of  
confinement feeding operation structures, as provided by rules  
adopted pursuant to this chapter. The department's decision  
to approve or disapprove a permit for the construction of a  
confinement feeding operation structure shall be based on  
whether the application is submitted according to procedures  
required by the department and the application meets standards  
established by ~~the department this chapter~~. A person shall  
not begin construction of a confinement feeding operation  
structure requiring a permit under this section, unless the  
department first approves the person's application and issues  
to the person a construction permit. The department shall  
provide conditions for requiring when a person must obtain a  
construction permit.

Sec. 2. Section 459.312, subsection 4A, as enacted in 2006  
Iowa Acts, Senate File 2076, section 1, is amended to read as  
follows:

4A. The department shall provide for the receipt and  
processing of manure management plans, including updates to  
manure management plans, in an electronic format pursuant to  
section 459.302, not later than July 1, ~~2008~~ 2009. After that  
time, a person required to submit a manure management plan  
under this section ~~may~~ shall submit the manure management plan  
to the department and to the county board of supervisors in an  
electronic format.

Sec. 3. Section 459.312, subsection 9, unnumbered  
paragraph 1, Code 2005, is amended to read as follows:

The department shall approve or disapprove a manure  
management plan according to standards established by this  
chapter and procedures established by the department:

Sec. 4. NEW SECTION. 459.611 DEPARTMENTAL EVALUATION AND  
ORDER.

1. The department may conduct an evaluation of a  
confinement feeding operation that has commenced operation to  
determine if any of the following apply:

a. Manure from the confinement feeding operation is being  
discharged into a water of the state and the confinement  
feeding operation is not providing for the applicable minimum  
level of manure control as specified in section 459.311.

b. Manure from the confinement feeding operation is  
causing or may reasonably be expected to cause pollution of a  
water of the state.

c. Manure from the confinement feeding operation may  
reasonably be expected to cause a violation of water quality  
standards as provided in this chapter or chapter 455B.

2. The department may evaluate a confinement feeding  
operation regardless of whether it is a small animal feeding  
operation or includes a confinement feeding operation  
structure which is constructed pursuant to a permit issued  
pursuant to section 459.303.

3. The department shall not conduct an evaluation of a  
confinement feeding operation which has not commenced  
operation to determine if any of the conditions provided in  
this section exist, unless the requirements of this chapter  
are not met. However, the department may send a letter of  
concern by certified mail to the owner of the confinement  
feeding operation that explicitly states the department's  
concern that a condition on the site where the confinement  
feeding operation is or may be constructed, if not addressed,  
may result in the pollution of the waters of the state. The  
department's letter shall provide the reasons for its concern

3 4 and a possible remedy to the condition which could be  
3 5 implemented by the owner. The letter shall also inform the  
3 6 owner of likely administrative or judicial action if the  
3 7 condition exists, is not remedied, and results in the  
3 8 pollution of the waters of the state when the confinement  
3 9 feeding operation commences operations.

3 10 4. If based on the results of the evaluation the  
3 11 department determines that a condition provided in this  
3 12 section exists, the department may issue an order to a person  
3 13 responsible for the operation of the confinement feeding  
3 14 operation which has been evaluated. The order shall require  
3 15 the person to institute remedial action necessary to eliminate  
3 16 the condition.

3 17 Sec. 5. NEW SECTION. 459A.511 DEPARTMENTAL EVALUATION  
3 18 AND ORDER.

3 19 1. The department may conduct an evaluation of an open  
3 20 feedlot operation that has commenced operation to determine if  
3 21 any of the following apply:

3 22 a. Open feedlot effluent from the open feedlot operation  
3 23 is being discharged into a water of the state and the open  
3 24 feedlot operation is not providing for the applicable minimum  
3 25 level of open feedlot effluent control as provided in section  
3 26 459A.401, 459A.402, or 459A.410.

3 27 b. Open feedlot effluent from the open feedlot operation  
3 28 is causing or may reasonably be expected to cause pollution of  
3 29 a water of the state.

3 30 c. Open feedlot effluent from the open feedlot operation  
3 31 is causing or may reasonably be expected to cause a violation  
3 32 of state water quality standards under this chapter or chapter  
3 33 455B.

3 34 2. The department shall not conduct an evaluation of an  
3 35 open feedlot operation which has not commenced operation to  
4 1 determine if any of the conditions provided in this section  
4 2 exist, unless the requirements of this chapter are not met.  
4 3 However, the department may send a letter of concern by  
4 4 certified mail to the owner of the open feedlot operation that  
4 5 explicitly states the department's concern that a condition on  
4 6 the site where the open feedlot operation is or may be  
4 7 constructed, if not addressed, may result in the pollution of  
4 8 the waters of the state. The department's letter shall  
4 9 provide the reasons for its concern and a possible remedy to  
4 10 the condition which could be implemented by the owner. The  
4 11 letter shall also inform the owner of likely administrative or  
4 12 judicial action if the condition exists, is not remedied, and  
4 13 results in the pollution of the waters of the state when the  
4 14 open feedlot operation commences operations.

4 15 3. If based on the results of the evaluation the  
4 16 department determines that a condition provided in this  
4 17 section exists, the department may issue an order to a person  
4 18 responsible for the operation of the open feedlot operation  
4 19 which has been evaluated. The order shall require the person  
4 20 to institute remedial action necessary to eliminate the  
4 21 condition.

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JEFFREY M. LAMBERTI  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 2377, Eighty-first General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2006

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THOMAS J. VILSACK  
Governor